

For the reasons set forth below, this restriction requirement is respectfully traversed.

The criteria for restricting claims are set forth in MPEP §803, which provides:

CRITERIA FOR RESTRICTION BETWEEN PATENTABLY DISTINCT INVENTIONS

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent or distinct as claimed; and

(B) There must be a serious burden on the examiner if restriction is required. (Internal citations omitted, emphasis supplied.)

While the Examiner is correct in asserting that the two groups of claims are separately classified, examination of the first group of claims will require a search of the prior art sufficient to encompass the second group.

More specifically, the first group recites the application of a specific concrete composition. In searching these claims, the Examiner necessarily will search concrete coating compositions. Since this is precisely the subject matter of the second group of claims, the search for the first group would encompass the second group. Accordingly, it is respectfully submitted that examination of all claims would not place a significant burden upon the Examiner. Therefore, applicant respectfully requests examination of all claims.

Although the restriction requirement has been respectfully traversed, pursuant to MPEP §818.03(b), Group I is provisionally elected.

For the reasons set forth above, applicant respectfully requests that the restriction requirement be withdrawn.

Respectfully submitted,

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